

**BUILDING AND DEVELOPMENT CONTROL COMMITTEE**

Anne French Room

5<sup>th</sup> March, 2013

0915 hrs

**Present:**

**Mr F Simonet, Chairman**

**Mr A Llewellyn**

**Mr R Berry**

**Mr M Birmingham**

**Mr C Rowley**

**Mr R Burke, Chief Executive**

**Ms J Turner, States Engineer**

**Ms R Sowden, Planning Assistant/**

**Minute Secretary**

**ACTION**

**07/2013**    **Minutes of previous meeting** of 15<sup>th</sup> January 2013 were confirmed and signed.

**08/2013**    **Matters Arising**

**08.1    B3109 Continental Metals** Erection of industrial units at AY1749 & AY2012 La Corvée. Engineer gave a verbal update on the status of this application. She explained that the developer was currently preparing an E.I.A; that a local expert in this field was providing assistance to the States; that changes to our waste laws would be necessary if the development were to be approved on the Island, which would also have financial and operational implications. **Noted.**

**09/2013**    **Planning Matters**

**09.1    Planning Applications Report**

**A5013 Mr P Sebire, Mr R W Sebire & Mr ME Sebire** AY1328, Valongis. Removal of two trees from south boundary. **Application approved with condition: -**

1) That the two trees are replaced at this location with two substantial trees of a native species.

**Reason:** To replace the amenity value that will be lost by the removal of the trees.

**SE**

**A5014 Adrian Tempest** Natwest Bank, 13 Victoria Street. Replace four timber windows to first floor with uPVC. Letter from Alderney Society dated 09.02.13 tabled and considered.

**Application approved, with condition: -**

1) That the replacement windows are identical in terms of design and detailing as the existing windows.

**Reason:** In accordance with the Committee's policy for replacement windows in Historic Buildings / Conservation Areas.

**SE**

**A5015 A R Fowler** Connaught House, Church Street. Demolition and rebuilding of wall to southern boundary. One letter of representation and letter from States Engineer, on behalf of the Estates and Services Committee (as States Landlord) had been received regarding the boundary position. It was noted that all decisions made by the Committee are without prejudice to third party rights, and the Committee is not able to address civil matters such as boundary, third party disputes or other related matters of ownership. **Application approved.**

**SE**

**A5016 Simon Benfield 'She View', Longis Road.** Removal of part of wall to facilitate off-road parking. Variation to approved plans for new dwelling regarding position of retaining wall. Letter of representation tabled and considered. **Application approved, with condition: -**

1) That an agreement as outlined in the letter accompanying the application dated 24.01.13 is formally entered into, between the owners of all three dwellings (Notre Reve, She View & Highbury Heights), to give legal access to the parking spaces as proposed in drawing no. 001A, in perpetuity. This agreement should be entered into within six weeks of the date of this permission, and should be noted on the Land Registry files of each of the three dwellings.

**Reason:** To guarantee off-road parking provision for all current and future occupiers of the dwellings.

**SE**

**B3124 James Vizard** AY2338, Longis Road. Amendment to previously approved plans for new dwelling – adjustment of ground level / height increase. Two letters of representation tabled and considered. **Application refused.**

**Reason:** The Committee considered that a building of this size to the proposed new height would be out of keeping with its rural surroundings. It noted that the original proposal was approved on the premise that the eaves were no higher than the eaves of the nearest neighbouring property. The original proposal to bed the building into the slope had helped to soften the building's impact in this rural area.

The Committee also considered that the proposed increase in the level of the dwelling would enable the upper windows of the dwelling to overlook the rear amenity spaces and some habitable rooms of the adjacent bungalows, thereby significantly impacting on the reasonable enjoyment of those dwellings.

In reaching the decision to refuse the application, the Building and Development Control (Alderney) Law, 2002, as amended, and the Committee's Policy Guidelines, 2008, were taken into consideration as follows: -

**Section 7(1)(c) of the Law, Policy DBE1 & Gen 5 - Design** seeks to ensure that the Committee takes into account whether development would be incongruous with its surroundings because of its siting and design, and requires new development to respect the scale and massing of existing buildings in the vicinity, and achieve a satisfactory relationship with adjacent properties.

**Section 7(1)(e)** seeks to ensure that development does not detract from the character of the vicinity.

**Section 7(1)(f) of the Law & Policy Gen 12 – effect on adjoining properties** seeks to ensure that any significant impact on the reasonable enjoyment of adjoining properties, including in relation to overlooking, is taken into account.

SE

## **09.2 Deferred items**

i) **B3114 Alderney Housing Association** AY2341, Platte Saline. Construction of six new dwellings. Nine letters of representation had been received for this current application, and eleven letters of representation and a petition for the (withdrawn) 10 dwelling scheme. All letters were tabled and considered. **Application approved, with condition: -**

1) No development shall take place until a comprehensive landscaping scheme has been submitted and approved by the Building and Development Control Committee.

**Reason:** To ensure that a satisfactory form or development is achieved in the interests of amenity.

SE

ii) **B3115 V Levine** Coin de Soleil, Le Petit Val. Demolish and rebuild dwelling. Four letters of representation tabled and considered. **Application approved, with condition: -**

1) That the window serving the kitchen be made of obscured glass and shall be retained as such thereafter in perpetuity.

**Reason:** To protect the reasonable amenity of the neighbouring property to the east.

SE

**09.3 Change of use from office to residence** Paper from Planning Office dated 27.02.13 tabled and discussed. It was noted that a request had been received from the owner of St Anne's House, Victoria Street, for the Committee to re-consider its previous decision not to support the conversion of offices 1&2 to a single residential unit. The Committee discussed at length the current economic climate, changing retail patterns and the difficulties of town centre commercial property owners, but felt there was an overriding need to retain available and dedicated commercial space for future requirements. The Committee was therefore not supportive of the proposal.

SE

## **10/2013 Policy / Legal Matters / Systems & Procedures**

**10.1 Planning Advisory Panel** The Chairman reported that the Panel's final brief would be tabled at the next Committee meeting. **Noted.**

**10.2 Planning Fees and Building Regulations** Paper from Planning Office dated February 2013 and draft Building and Development Control (Alderney) (Amendment and Fees) Ordinance, 2013 tabled and discussed. **Draft Ordinance approved, subject to planning application fee for minor works being agreed.**

**10.3 Untidy and derelict land** Paper from Planning Office dated 27.02.13 tabled and discussed. It was noted that three owners of land in the greenbelt had been contacted and asked for a timetable for clearance of their sites. To date, only one response had been received. It was decided that follow-up letters now be sent, requesting the clearance / improvement of the sites within four weeks. **Legal advice to be sought regarding possible enforcement action.**

SE

**11/2013 Any other business**

**Harbour Master Plan** The Committee agreed that the Master Plan should be progressed. **Item to be considered at next meeting.**

**Meeting finished 1220hrs**

**Date of next meeting: TUESDAY 16<sup>TH</sup> APRIL 2013**

**Signed : F Simonet**

**Dated: 23<sup>rd</sup> April 2013**